

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

HECTOR ELMORE,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-12-209-W
)	
WARDEN, F.C.I., EL RENO,)	
)	
Respondent.)	

ORDER

On July 26, 2012, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the Motion for a Preliminary Injunction filed by petitioner Hector Elmore be denied as moot. Magistrate Judge Erwin further recommended that the matter be dismissed without prejudice due to Elmore's failure to comply with Rule 5.4, Rules of the United States District Court for the Western District of Oklahoma.¹

Elmore was advised of his right to object to the Report and Recommendation, see Doc. 8 at 4, but he has filed no written objections within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Erwin's suggested disposition of Elmore's request for injunctive relief and further agrees with his

¹The address for Elmore entered on the docket by the Clerk of the Court is the address listed by Elmore in his Petition for Habeas Corpus Relief. See Doc. 1 at 4. The receipt for the filing fee paid by Elmore was returned to the Clerk by the United States Postal Service, with the notation on the envelope: "Return to Sender Attempted - Not Known Unable to Forward." Doc. 7. The envelope also bore the comment: "Not at El Reno Federal Correctional Institution." Id.

Rule 5.4(a), Rules of the United States District Court for the Western District of Oklahoma, requires pro se litigants to provide the Clerk with a mailing address, and it directs pro se litigants to notify the Clerk of any change of address. Elmore's failure to comply with this rule merits summary dismissal of this action without prejudice for failure to prosecute.

recommendation that this matter be dismissed, particularly, since it appears that Elmore is no longer in the custody of the Bureau of Prisons.

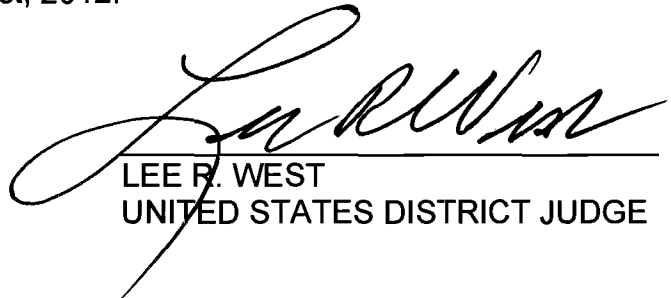
Accordingly, the Court, in the absence of any objection,

(1) ADOPTS the Report and Recommendation [Doc. 8] issued on July 26, 2012;

(2) DENIES Elmore's Motion for a Preliminary Injunction [Doc. 2] file-stamped February 23, 2012; and

(3) DISMISSES this matter without prejudice.

ENTERED this 24th day of August, 2012.



LEE R. WEST
UNITED STATES DISTRICT JUDGE